



Security Council

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Letter dated 24 January 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 16 December 2004 (S/2004/994). The Counter-Terrorism Committee has received the attached fourth report from Romania submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Andrey I. Denisov
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

**Letter dated 21 January 2005 from the Permanent Representative
of Romania to the United Nations addressed to the Chairman of
the Counter-Terrorism Committee**

I have the honour to send you enclosed herewith the answer of the Government of Romania to the specific questions of the Counter-Terrorism Committee, as set out in its document dated 22 October 2004 (see enclosure).

(Signed) Mihnea **Motoc**
Ambassador

Enclosure*

Answers to the questions of the CTC regarding Romania's third report on the implementation of the Security Council resolution 1373

- 1.1 Please advise the CTC whether the new Criminal Code, and specifically the provisions criminalizing the recruitment of persons for the purpose of committing terrorist acts has been enacted into law.

The new Criminal Code was adopted by Law no. 301/2004, and will enter into force on the 29th of June 2005 (one year after the date of its publication in the Romanian Official Journal, 28 June 2004). It contains provisions criminalizing terrorist acts, including financing of terrorist acts, in Title IV of the special part *Crimes and offences of terrorism*.

The specific act of recruitment of persons for the purpose of committing terrorist acts is dealt with in Law no. 535/2004 on the prevention and fighting against terrorism.

Details about Law no. 535/2004
on the prevention and fighting against terrorism

Law no. 535/2004 on the prevention and fighting against terrorism was promulgated by the President of Romania with the Decree no. 994/2004 of 24 November 2004, and entered into force three days later. The full original text is available on the website of the Romanian Parliament, at the following address:
www.cdep.ro/proiecte/2004/400/80/6/leg_pl486_04.pdf
and a full translation is provided in annex 4 to this document.

This Law specifically incriminates the act of recruiting persons for the purpose of committing terrorist acts in art. 33 paragraph (1) letter b):

"Art. 33 – (1) The following are assimilated to acts of terrorism: [...] b) The recruitment, training and preparation of terrorist entities in the use of firearms, ammunition, explosives, chemical, biological, bacteriological or nuclear weapons, as well as in order to facilitate acts of terrorism."

The Law also establishes the **National System for Prevention and Fighting against Terrorism** (SNPCT). According to art. 5 "the prevention and fighting against terrorism are carried out in accordance with the provisions of the international conventions for the suppression of terrorism, to which Romania is a party..." and "the co-operation in this field on the national level is accomplished through the National System for the Prevention and Fighting against Terrorism", comprising 21 authorities and public institutions (according to art. 6 par. (2) of Law no. 535/2004).

* Annexes are on file with the Secretariat and are available for consultation.

At the same time, the Centre for Operative Anti-Terrorist Co-ordination was established within the *Romanian Intelligence Service* (the national authority in this field). The Centre is responsible for co-ordinating the activity of the SNPCT.

Chapter III of Law no. 535/2004 is dedicated to the measures needed to prevent the financing of terrorist acts.

Chapter IV concerns the offences and violations in that matter, thus extending the field of penal unlawfulness by instituting acts assimilated to terrorist acts (art. 33).

The entry into force of Law no. 535/2004 for prevention and fighting against terrorism also caused the **abrogation of both the Government Emergency Ordinance no. 141/2001** for sanctioning certain terrorist acts and violations of public order, approved with amendments by Law no. 472/2002, **and the Government Emergency Ordinance no. 159/2001** for prevention and countering of the use of the financial and banking system to finance terrorist acts, approved by Law 466/2002, **except for the addendum to the latter**. This addendum contains the list of persons or entities identified by the 1267 Committee.

The provisions of the two Emergency Ordinances were included in Law no. 535/2004.

It is also noteworthy that on 30 November 2004, the Government of Romania has approved the draft **Law for amending and supplementing Law no. 656/2002 for preventing and sanctioning money laundering**. This law will be submitted for approval by the Romanian Parliament.

The provisions of Law no. 656/2002 for preventing and fighting money laundering concur with those of Directive no. 2001/97/EC of the European Parliament and of the European Council of 4th of December 2001, which amends the European Council's Directive no. 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering. As a result, transactions suspicious of financing terrorist acts will undergo the same reporting and suspension system as those suspicious of money laundering.

The suggested amendments take into consideration the 40 Recommendations of the International Group for Financial Action for Money Laundering (GAFI), amended in June 2003, the 8 Special GAFI Recommendations regarding the financing of terrorism, as well as the Recommendations made on the occasion of the second Evaluation Report of Romania by the Moneyval Committee of the Council of Europe.

- 1.2 *The CTC notes that Romania became party to the 12 International Convention and protocols on the prevention and suppression of terrorism. Therefore, the CTC would appreciate to learn about whether its provisions have been implemented in Romania's domestic law.*

Romania has signed and implemented all 12 International Convention and protocols on the prevention and suppression of terrorism, including the **Convention for the Suppression of Terrorist Bombings**, which was the most recent to be **ratified** and implemented into our internal legislation - by **Law no. 257 of 16 June 2004**, published in the Official Journal no. 551 of 21 June 2004.

According to the **Romanian Constitution** (art. 11), the international treaties ratified by the Romanian Parliament become automatically part of the internal legislation.

- 1.3 *The CTC would also appreciate being informed whether Law 296/2001 has been amended in order to implement the Protocol to the European Convention for the Suppression of Terrorism.*

Law no. 302/2004 on international judicial cooperation in criminal field replaced **Law no. 296/2001 on extradition**.

At the same time, the **Protocol amending the European Convention for the Suppression of Terrorism**, signed at Strasbourg on 18 May 2003, was ratified by Law no. 366 of 15 September 2004, published in the Official Journal no. 913 of 7 October 2004.

A presentation and the full text of Law no. 302/2004 are provided in the *annexes 1.1 and 1.2* to this document.

- 1.4 *In the event that the answers to these questions are in the affirmative, the CTC would appreciate receiving the texts of the pertinent provisions as they appear in the corresponding pieces of legislation.*

References to the texts of the relevant provisions have been included in the answers to each question.

- 1.5 *Regarding the implementation of the sub-paragraph 2 (d) of the Resolution (paragraph 1.6 of Romania's third report), please provide an official copy, or Internet reference thereto, of the texts of the Government Emergency Ordinances 141-159/2001, to enable the CTC to determine whether these provisions address the concerns raised in the CTC's letter dated 16 May 2003 concerning the prevention of the financing of terrorism.*

The Government Emergency Ordinances 141 and 159/2001 were abrogated by Law no. 535/2004 for prevention and fighting against terrorism, as explained in the answer to the question 1.1. A translation of this Law is provided in annex 4 to this document.

A translation of the full text of the Government Emergency Ordinances 141 and 159/2001 is also provided in the annexes 2 and 3 to this document.

- 2.2 *The CTC's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance. In relation to the request of assistance in the areas of Counter-Terrorism legislation, extradition and mutual assistance, the CTC would appreciate being informed whether Romania has received assistance in these areas and whether such assistance fulfilled Romania's needs in these regards.*

So far, Romania has received assistance through the CTC in several instances, the beneficiaries being institutions such as the Ministry of Justice, the Prosecutor General's Office, the Ministry of Interior, Romanian Police and various other relevant institutions.

The assistance offered so far through various initiatives (such as those of the UNODC in Vienna) has been greatly appreciated and has proved very useful for the implementation and improvement of the Romanian terrorism prevention policies.

We submitted our new requests for assistance to the CTC in January 2005.



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Letter dated 25 January 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 19 October 2004 (S/2004/833). The Counter-Terrorism Committee has received the attached fourth report from Rwanda submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(Signed) Andrey I. Denisov
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 24 January 2005 from the Permanent Representative of Rwanda to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to transmit herewith the fourth report of Rwanda, containing additional information on comments raised by the Committee on Rwanda's first, second and third reports (see enclosure).

(Signed) Stanislas Kamanzi
Ambassador
Permanent Representative

Enclosure*

**ADDITIONAL INFORMATION ON COMMENTS RAISED BY THE
UN COUNTER TERRORISM COMMITTEE (CTC) ON RWANDA'S
FIRST, SECOND AND THIRD REPORTS.**

1. Implementation measures.

Rwanda has been undergoing legal reform and all-round restructuring of the entire justice system. Various laws have been reviewed including the Constitution and other laws on which specific laws like those on anti-terrorism, anti-money laundering are hinged. The process is over and various laws have been enacted including the Constitution, Criminal Procedure Code, Code of Organisation and Jurisdiction of Courts, Law of Evidence, Code of Civil, Commercial, Labour and Administrative procedure and Organic Law determining the organisation, and functioning of the prosecution services. The other drafts for specific laws are also ready.

1) The draft Penal Code

The draft Penal Code is attached, detailing offences and penalties applicable to them. The draft Penal Code introduces a new development in Rwandan Law, the principle of Universal Jurisdiction. This allows Rwandan Prosecutors to prosecute suspects who commit crimes in foreign Jurisdiction and found on Rwandan Territory. The draft Penal Code creates a variety of new offences that never existed in our Penal system. We would appreciate your input into the draft Penal Code forwarded to you. The draft law on Terrorism is also forwarded to you for your input.

2) Measures relating to the protection of Economic and Financial system in Rwanda.

Rwanda signed and ratified the United Nations Conventions against illicit trafficking in Narcotics and psychotropic substances. Drug trafficking and money laundering are interlinked and to this effect National Police established an Anti Narcotic Unit to combat drug trafficking and deprive criminal elements of the proceeds from illicit trafficking of drugs.

Rwanda National Police has economic and financial crime division that works closely with anti-terrorism unit and financial institutions in combating money laundering and terrorism financing. The division works closely with banking institutions in collecting

* Annexes are on file with the Secretariat and are available for consultation.

relevant financial information and other suspicious activities in financial institutions. In order to have access to relevant financial information, an officer from the economic and financial division was detached to work with the supervisory bodies in the National Bank of Rwanda.

From 5th July to 9th July 2004, officials from IMF and World Bank visited Rwanda and held working meetings with officers from Rwanda Central Bank (BNR), National Police (Economic and Financial Crimes Division & Anti Terrorism Unit). Also present were officers from the Ministry of Justice, Ministry of Trade and Commerce and officers from various Banking Institutions in Rwanda. Officials from the IMF and World Bank promised support in setting up money laundering measures, which include establishing a Financial Intelligence Unit, and technical support in drafting legislation on money laundering.

The draft laws on Terrorism, and Money Laundering, contains anti-money laundering measures and punishes terrorism financing. The drafts are in Parliament for adoption.

Rwanda is a member of the Eastern and Southern Africa Anti-Money laundering group (ESAAMLG). This organ facilitates law enforcement agencies in information sharing and nature of money laundering in the region.

On International level, Rwanda has ratified the International Convention for the Suppression of the Financing of Terrorism (1999).

3) Implementation of the International Conventions against terrorism to which Rwanda is a party

- i. International Convention for the suppression of the financing of terrorism, adopted by the General Assembly of United Nations on December 09th, 1999.

The above-mentioned Convention was ratified by a presidential order No 43/01 of 14/04/2002. Article 1 of the presidential order mentioned above states that: "The International Convention for the suppression of financing of terrorism, adopted by the General Assembly of the United Nations, on December 09th, 1999 is hereby approved and ratified and takes its full and whole effect".

- ii. Convention of Organisation of African Unity on Prevention and Combating of Terrorism signed in Algiers on July 13th, 1999.

The above-mentioned Convention was ratified by a presidential order N° 39/01 of 14/04/2002. Article 1 of the Presidential Order mentioned above states that: "The Convention of the Organisation of African Unity on Prevention and Combating of Terrorism signed in Algiers on July 13th, 1999 is here by approved and ratified and take its full and whole effect".

- iii. International Convention for the suppression of terrorist bombings, adopted by the General Assembly of the United Nations on December 15, 1997.

A presidential Order N° 40/01 of 14/04/2002 ratified this Convention. Article 1 of this presidential order approves and ratifies the above-mentioned Convention.

- iv. International Convention against the taking of hostages adopted by the General Assembly of the United Nations on December 17th, 1979.

Article 1 of Presidential order N° 41/01 of 14/04/2002 ratified and approved the above mentioned Convention.

- v. The Convention on the marking of plastic explosives for the purpose of detection, signed at Montréal on March 01, 1991.

This Convention was acceded to by a presidential order N°44/01 of 14/04/2002. Article 1 of the said presidential order approves and ratifies it, hence taking its full and whole effect.

- vi. The Convention on the physical protection of nuclear material signed at Vienna on October 26, 1979.

The above-mentioned Convention was approved and ratified by the presidential order N°45/01 of 14/04/2002 in its article 1.

2. Assistance

Rwanda has not received Technical support from CTC. Rwanda therefore welcomes assistance in the areas of specialised training and acquisition appropriate technical equipment.

We are submitting a separate letter requesting for assistance.